

The Leesburg Planning Commission met on Thursday August 21, 2003 in the Council Chambers at 25 West Market Street, Leesburg, Virginia. Staff members present for the meeting were David Fuller, Susan Swift, Jennifer Smith and Linda DeFranco.

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE AND ROLL CALL**

Present:        Chairman Vaughan  
                 Commissioner Bangert  
                 Commissioner Dube  
                 Commissioner Hoovler  
                 Commissioner Kennedy  
                 Commissioner Werner

Absent:         Mayor Umstattd  
                 Vice Chairman Clem

**ADOPTION OF THE AGENDA**

Commissioner Kennedy made a motion to approve the agenda.

Motion: Kennedy  
Second: Dubé  
Carried: 6-0

**ADOPTION OF THE MINUTES**

Commissioner Kennedy made a motion to approve the minutes from the July 3, 2003 meeting.

Motion: Kennedy  
Second: Bangert  
Carried: 3-0-3\*

\*Hoovler, Werner and Dubé abstained

Commissioner Kennedy made a motion to approve the minutes from the July 17, 2003 meeting.

Motion: Kennedy  
Second: Bangert  
Carried: 6-0

**REMARKS BY PETITIONERS**

Mr. Bob Wright of 43224 Carston Place, representing the Citizens Advisory Committee on the Loudoun County Bicycle and Pedestrian Mobility Master Plan, addressed the Commission regarding the benefits of this plan to the Town of Leesburg. He commended the Town on its implementation of timers on pedestrian crosswalk lights, the Facility Selection Guide and the Trail upgrades. He requested that the Planning Commission and the Town of Leesburg in general endorse the County Plan.

Commissioners Werner, Hoovler and Kennedy thanked Mr. Wright for his comments.

**PUBLIC HEARINGS**

None

**SUBDIVISION AND LAND DEVELOPMENT**

None

**ZONING**

None

**COMPREHENSIVE PLANNING**

David Fuller, Chief of Comprehensive Planning, gave a report on the recently held Sector Meetings. After hearing from over 130 participants, the ideas submitted were ranked under the topics of transportation, environment, general government, etc. The Visioning Sessions are scheduled for the fall and the agenda is currently being set with the consultants.

Commissioner Dubé thanked Mr. Fuller and the staff for their work on the Sector meetings. He stated that staff needs to encourage more diverse groups to attend the Visioning meetings. He suggested that the ad be run in both English and Spanish, that representatives of minority groups be made aware of the sessions, and also that the youth of Leesburg be encouraged to become involved in the process.

Mr. Fuller stated that contact information is being gathered and that the information will be disseminated to attempt to draw a broader segment of the population, including getting information out to the Leesburg high schools.

Commissioner Bangert asked when the current information would be available on the website. She went on to say that the EAC is anxious to become involved and needs some

guidance as to what its role might be. They are also willing to provide expert environmental speakers if necessary for the Visioning Meeting on the Environment and assist in any advertising efforts.

Susan Swift stated that she had not been contacted by the EAC and that during these visioning meetings their role is as an interested body and that their input would be encouraged. She went on to say that she would be happy to discuss this further with them, but that right now the agenda was pretty well set to keep the continuity of the scheduled agenda for each meeting. They are encouraged to participate, but there was no time for guest speakers scheduled. During these upcoming sessions, the purpose is to listen and gather information. Once the information is formulated, there will be an opportunity for increased participation by EAC Staff and other experts.

Commissioner Werner stated that the EAC is the only Commission that can be directly tied to the subject of one of the Visioning Sessions. She went on to say that since this is still information gathering, then the format should remain as planned.

Again, the need to be able to reach the ethnic and minority groups in town was reiterated. It was suggested that Senior Groups, the Northeast Coalition, various Church groups and ethnic restaurants be contacted to get the word out. Also, the website should be translated into Spanish. It was also suggested that the Town Website have the capability of collecting data on who hits the Town Plan website.

### **COUNCIL REPRESENTATIVE'S REPORT**

None

### **STAFF AND COMMITTEE REPORTS**

#### **Business Friendly Plan**

Susan Swift went over her memo suggesting several procedural changes in the development review process. She passed out a schedule showing a timeline for review of rezonings and special exceptions. Currently the process takes six to nine months to complete. Having a published schedule that sets out what the expectations are, and deadlines involved, will enable applicants to move through the process more efficiently. The proposal asks to eliminate Planning Commission review of By-Right uses. In addition it would change the process for rezonings and special exceptions to: eliminate previews for the Planning Commission and the Town Council, waive the 10 day waiting period after public hearing depending on the complexity and the condition of the application. This could be an incentive to applicants to submit their plans in a more ready to go stage and reward them by saving review time. Lastly, the proposal establishes criteria for expedited review to applications that include employment for at least 100 people and/or 100,000 square feet of leasable space.

Commissioner Kennedy questioned the word “allow” vs. the word “have” with regard to the Planning commission vote at a public hearing, e.g. “Change by-laws to allow PC to vote at public hearing”. He went on to ask if the proposal is mandating that PC waive the 10-day waiting period. Some discussion continued until Commissioner Werner suggested that Susan Swift be allowed to finish her presentation

Commissioner Vaughan asked what the timeline is to implement these procedures.

Susan Swift stated that the elimination of site plan review by the Planning Commission would require a code amendment.

Commissioner Kennedy expressed concern about the rewriting of the code.

Commissioner Vaughan suggested that the planning commission review the handout and be given some time to come to an educated decision on the proposal.

At this point the Commission decided to discuss the new procedures point by point.

Regarding the published schedule for applicants and staff:

Commissioner Kennedy stated that a published schedule does not always work and gave the example of KFC, a published schedule would have created some errors in decisions.

Swift stated that a schedule would be published, but the PC could continue a case if it felt they needed more information or time to decide.

Commissioner Werner, opposed to eliminating preview unless a manager’s report be part of each packet, and that each application have the staff members name attached to it that is working on it. This way the Commissioners can call that person to receive any additional information required.

Commissioner Dube stated that the complete manager’s report be mailed three weeks prior to any decision making date. If this were the case, he would be in favor of eliminating previews.

Commissioner Hoovler agreed that obtaining the manager’s report and being able to directly speak with the staff person responsible for a particular application could open the door to eliminating the preview process.

Commissioner Kennedy stated that staff needs to email everything in timely fashion. He has a concern about the date on the proposal memo. He further stated that the entire proposal should be reworked by staff.

Commissioner Werner stated that unfortunately other commissions had received a copy of the memorandum prior to PC and that created some confusion. She went on to say that

basically the public hearing process can remain as it is with more flexibility regarding the 10-day waiting period waiver.

Commissioner Hoovler wanted to know how many times comments were received during the 10-day waiting period. Susan Swift responded very rarely, if at all.

Commissioner Bangert stated a vote can take place, however, if the commission feels that more time is warranted, they can extend the review process prior to final decision.

Commissioner Werner requested that the wording states that the PC may vote at the public hearing vs. the current language that includes 10-day waiting period prior to vote.

Commissioner Dube wanted to know what Town Attorney Donnelly's comment was on the change to the Town Code. Commissioner Werner asked that Mr. Donnelly's advice be sought.

Susan Swift responded that the attorney will get a copy and review this in timely fashion.

Discussion centered around some scenarios and what could happen.

Director Swift clarified that applicants are allowed to make presentations at the preview meeting. This in essence allows for a certain degree of lobbying since it does not include comment from the other side. The revision of the schedule would eliminate the opportunity for this to occur and be more fair to the surrounding property owners and neighbors.

Commissioner Dubé said that the manager's report does not provide enough indepth information and that information would need to be disseminated sooner if the elimination of preview could be considered.

Commissioner Bangert – Manager's report must be included. Each member needs to get all of the information required.

Commissioner Hoovler agreed that the Manager's report is important. Also the open dialogue with staff making sure information is consistent is important. Public hearing will be long and staff will be involved in more information gathering.

Hoovler stated that it appears the PC is uneasy about the proposal. Information dissemination and feedback are key factors. Would work sessions be required?

Chairman Vaughan said that he did not ever want to be put in a position where an applicant comes before a public hearing and the Commission is not prepared to make an educated decision. He also does not want to have to depend on directly contacting staff to learn details of an application

Commissioner Kennedy stated that communication is key here. He would like to see the proposal be rewritten and resubmitted at the next meeting incorporating comments made tonight.

Commissioner Werner thanked Chairman Vaughan for his comments. She went on to say that after reading the packet, any questions should be answered. Public comment is important and helpful and eliminating the 10-day mandated waiting period may be an incentive for applications to come in cleaner.

Chairman Vaughan stated that his allegiance is to the citizens of Leesburg first. He wants to avoid any situations that would back the PC into a corner to make a hasty decision and have bad repercussions.

Commissioner Werner stated that applicants often have two roles, both of business applicant and citizen and that sensitivity to that should be demonstrated.

Commissioner Hoovler asked that Director Swift take all comments into consideration and asked what action she is willing to take. She said she understands that the PC is not willing to eliminate the preview and that a revised bylaw saying "may vote on same day" could be acceptable. Mr. Hoovler went on to say that other ways of giving information on what's being scheduled are important, e.g., the manager's report.

There was some discussion regarding the apparent timing of the Planning Commission having received the information, resulting in a motion by Mr. Kennedy to adjourn the meeting. Commissioner Vaughan asked that the meeting move on to the next item for discussion.

With regard to By Right, Chairman Vaughan stated that it looks as though the applicants can get this passed with minimum requirements and that PC would be informed of it after the fact. Commissioner Kennedy stated that the citizens deserve much more than the minimum.

It was decided that each Commissioner would give his/her opinion and that time would be limited to 2 minutes.

Commissioner Werner is concerned about being put into a potential legal situation with the current by right process. Often the Commission asks for some things that are not required by code. Elimination of the By Right would be a way to streamline the process.

Commissioner Kennedy asked that staff reconsider the preliminary preview process and resubmit it to the Commission. He stated that the criteria for expedited review should be reduced from the current proposal of 100 employees or 100,000 of square feet of leasable space.

Commissioner Hoovler stated he is in favor of changing by right uses, agrees that criteria for expedited review should be reduced, perhaps to 50 employees, 50,000 s.f. of leasable

space. Susan Swift stated that she conferred with Economic Development Director Fields regarding the criteria, but agreed that a reduction would not hurt the intention.

Commissioner Bangert, talking about raising standards in zoning ordinance, asked Susan to explain reasoning. Swift said the quality of development can be improved, community design and character need to be used throughout town. If a by right use comes in with concrete block vs brick, and PC allows it during the interim time of rewrites, will ugly things come into town. Swift stated that in order to avoid potential litigation, we cannot require something of one business but not of another.

Chairman Vaughan stated that the process needs further review and with some checks and balances built into it.

Commissioner Hoovler stated that this could also have advantage to the comprehensive planning process.

Direction on three items is a) OK to eliminate first submission briefings on site plans; b) May be willing to eliminate review of PC on site plans if correct information is provided prior to; c) 50 employees/50,000 s.f. of leasable space as expedited review criteria. Swift asked that the first submission briefing be eliminated tonight.

There was some further discussion on the amendment process of the Zoning Ordinance and it was agreed that after a public hearing process, the PC is enabled to authorize its own changes.

The next item calling for a volunteer for Council briefing on September 9 was raised for discussion by Chairman Vaughan.

Commissioner Bangert stated that she would be there anyway, so she volunteered to take care of this. She went on to say that EAC would fund a video conference on environmental issues. There are two of them that and they will be set up so that PC, elected officials, staff, citizens, etc. can view these at the town hall. December 3, from 4-5pm on Green Infrastructure, the second one is June 23, 4-5pm on Environmental Law.

Commissioner Kennedy reported that the EDC changed meeting times to Wednesday evenings. There was a re-election of Karen Jones, Chair, Susan Horne vice chair, discussion of Business Friendly proposal was tabled because of a mail snafu, a letter of welcome for new business was presented, the email list is still being modified, business license forms need to have email address put on it. This form needs to be revised. The EDC will present the annual report to Council very soon.

Commissioner Werner - Traffic Commission met with some new projects. Country Club will get new striping, Woodlea and Greenway will get some crosswalks, Edwards Ferry Rd. and Catoctin Circle will get curb and gutter for intersection creation. South King St. island project has been tabled for now. Funding is a primary concern. North King by

Union Cemetery has also been tabled for now. Safety bus ridership is increasing, and a pedestrian safety plan is being written. She went on to point out some pedestrian laws.

Chairman Vaughan reported on BAR activity. The submission for Panera Bread came in as a very attractive building. There was some concern about the air handling units, and they were asked to modify the plans for them. Also, all vinyl features will be disallowed in the Old and Historic District. It was noted that BAR meetings have become more efficient by allowing more administrative review.

Commissioner Werner asked how Starbucks got where it is. The back of the building faces the entrance to the plaza. It is outside the H-2 jurisdiction by just feet and therefore did not require BAR approval.

Commissioner Kennedy thanked everyone for their reports. He requested that the Mayor make Planning Commission reports to Council.

Commissioner Hoovler said that next time the Mayor is in attendance, this be brought up with her.

**Old Business**

None

**New Business**

None

**Adjournment**

Commissioner Kennedy made the motion to adjourn the meeting, It was seconded by Commissioner Dube.

The meeting adjourned at 10:15pm

**Prepared By**

**Approved By**

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**Linda DeFranco  
Commission Clerk**

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**Cliff Vaughan, Chairman**



